

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | |
| |) | |
| CIRINO GONZALEZ, |) | Docket no. 07-CR-189-GZS |
| |) | |
| Defendant. |) | |
| |) | |

ORDER ON MOTION TO WITHDRAW

On September 23, 2008, this Court held a hearing on the Motion to Withdraw (Docket #519) filed by Attorney Bownes. Prior to the hearing, the Court had also received and reviewed a supplemental sealed statement in support of the Motion (Docket # 526) and a handwritten letter from Mr. Gonzalez (Docket # 520). After excluding the Government's Attorney from the courtroom, the Court heard from both Attorney Bownes and Mr. Gonzalez regarding their reasons for seeking withdrawal. Ultimately, the Motion was WITHDRAWN on the record.

Despite the withdrawal, the Court notes that having heard from Defendant and reviewed all of the related written submissions, the Court does not believe that there is any basis for allowing Attorney Bownes to withdraw at this time. In the Court's view, the request to withdraw was untimely given the upcoming sentencing hearing. Also, there is not a total lack of communication between attorney and client. Rather, in the Court's assessment, although Mr. Gonzalez and Attorney Bownes appear to have some continuing disagreement regarding trial strategy and various pretrial matters, there was no suggestion that they are unable to communicate or fundamentally disagree with respect to sentencing issues. The sentencing in this matter is scheduled for this Friday, September 26, 2008. Given Attorney Bownes' familiarity with the case and the Court's assessment of his representation at trial and at the presentence conference, the Court is convinced that Attorney Bownes remains a knowledgeable advocate for Mr. Gonzalez. In short, given the totality of the circumstances, the Court is satisfied that there is no basis for allowing withdrawal or replacing Attorney Bownes at this stage of the proceedings.

SO ORDERED.

/s/ George Z. Singal
 Chief U.S. District Judge

Dated this 23rd day of September, 2008.